

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Mike and Sheila Hunter,
Petitioner-Appellants,

v.

Jackson County Board of Review,
Respondent-Appellee.

ORDER

**Docket Nos. 09E-49-1758
through 09E-49-1763
and Corresponding Parcel Nos.**

On April 6, 2011, the above-captioned appeal came before the State of Iowa Property Assessment Appeal Board. The appeal was conducted pursuant to Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellants, Michael and Sheila Hunter, were self-represented and participated in the hearing by telephone. The Respondent-Appellee, Jackson County Board of Review, designated County Attorney Chris Raker as its legal representative, and was represented at hearing by Jackson County Assessor Debra Lane who also participated by telephone. A digital record of the proceedings was made. Both parties submitted evidence in support of their position. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

Findings of Fact

Mike and Sheila Hunter, owners of agricultural realty located at 20761 407th Avenue, Bellevue, Iowa, appeal from the Jackson County Board of Review decision regarding their property. The subject property consists of six parcels of agricultural realty, which includes the agricultural buildings and dwelling.

The real estate was classified as agricultural realty on the January 1, 2009, assessment and valued in total at \$220,300. Subsequently, the Iowa Department of Revenue issued a 32% equalization

order for agricultural property in the county. The application of the equalization order increased the total assessment of the properties to \$270,000.

Hunters protested the application of the equalization order to the Board of Review asserting the order resulted in the property being valued in excess of that permitted under Iowa Code section 441.21. They sought to reverse part of the application of the order. The Board of Review denied the appeal indicating that there was no error in the assessment as alleged by property owners.

Hunters then appealed to this Board reasserting their claim.

Docket	Parcel	Acres	Adjusted CSR Points	2009 Value as Result of Equalization
09E-49-1758	10831100002000	40	1149.26	\$ 27,900.00
09E-49-1759	10831100004000	40	787.16	\$ 31,500.00
09E-49-1760	10831200001000	39	1880.86	\$ 35,800.00
09E-49-1761	10831200003000	38	2048.36	\$ 41,600.00
09E-49-1762	10831200004000	40	1265.27	\$ 28,100.00
09E-49-1762	10831200004000	Bldg.		\$ 3,800.00
09E-49-1762	10831200004000	Dwelling		\$ 65,000.00
09E-49-1763	10831100005000	32.52	1905.36	\$ 36,300.00
Total				\$270,000.00

On appeal, Mike Hunter testified that, in his opinion, their farm is not being valued according to productivity and net earning capacity as required by law or in relation to other property in Jackson County. He believes the property is way over-valued and not only should it not be increased by 32% as a result of the equalization order, but it should be lowered further.

Hunter believes agricultural land is directed to be valued based on CSR values. Hunter stated that by using CSR values as required, some land would be assessed higher and some lower. Hunter recommended a value of \$40.00 per CSR. It is not clear to this Board if he intended the \$40.00 to be a per acre value or dollar value per CSR. Since he is appealing a lower value, it is possible he is recommending a per acre value.

Hunter's concern is that just applying a state equalization order over the years is the "easy way." If the values were flawed to start, they are more flawed over time.

Debra Lane, Jackson County Assessor, testified on behalf of the Board of Review. Lane stated she had no knowledge as to how the agricultural assessments were originally or historically calculated, other than the fact that they had received percentage increases over the years. She states she only has been the assessor for four years, but has been in the office for seventeen years. She also stated she contacted the former assessor that valued agricultural realty as a total countywide class of property in the late 1970s.

Lane stated that a company called ProMap has put a draft of the new soil survey on the county website. However, the data has not been used to calculate adjustments or develop a dollar value per CSR at this time. She does, however, plan to have agricultural realty revalued. This Board is concerned that Jackson County has not had a complete revaluation of agricultural realty for over thirty years, and we note it would be prudent for the revaluation to occur soon. Lane stated that the equalization order was calculated by the Department of Revenue, and it calculated the per acre figure and the agricultural building factor for the county.

Hunters did not submit any evidence to what the actual value of each parcel should be for the subject properties' six parcels. Hunters also did not determine an actual value per CSR for the subject parcels. Iowa Code section 441.21(1)(f) only states that the county shall place emphasis on a modern soil survey if one has been completed after January 1, 1949, for spreading value amongst parcels. This section does not require the use of CSRs.

Viewing the evidence as a whole, we are persuaded a preponderance of the evidence fails to support Hunters' claim the application of the equalization order resulted in an excessive assessment.

Conclusions of Law

The Appeal Board applied the following law.


The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

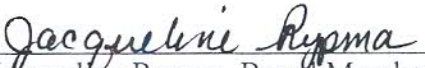
The basis of an equalization appeal is that the property assessment, if adjusted by the equalization order issued by the Department, will result in a greater value than permitted under Iowa Code section 441.21. § 441.49. The Appeal Board may adjust all or part of the percentage increased ordered by adjusting the actual value of the property under protest to 100% of the actual value. *Id.* Any adjustment so determined by the Appeal Board shall not exceed the percentage increase provided for in the equalization order. *Id.* Because an equalization appeal considers whether application of the equalization order results in an assessment that is more than the actual value of the property, we only consider the application of this claim and no other grounds asserted by the appellants.

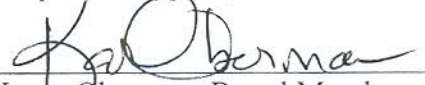
The Appeal Board finds the evidence does not support a determination that the application of the equalization order resulted in an assessment in excess of the subject properties' actual value. Hunter failed to provide evidence of the value of the land and buildings. We affirm the assessment of the Hunters' property, as determined by the Jackson County Board of Review decision.

THE APPEAL BOARD ORDERS the property assessment of \$270,000, as of January 1, 2009,
set by the Jackson County Board of Review is affirmed.

Dated this 17 day of May 2011.


Richard Stradley, Presiding Officer


Jacqueline Rypma, Board Member


Karen Oberman, Board Member

Copies to:

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>5-17</u> , 2011	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	